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OLL 84-2059/6  
5 July 1984

MEMORANDUM FOR: See Distribution

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FROM:

Deputy Chief, Legislation Division  
Office of Legislative Liaison

SUBJECT: Status of CIA Freedom of Information Act  
Legislation, H.R. 5164

1. As you all know, the mark-up of H.R. 5164 that had been scheduled for 6 June was indefinitely postponed by the House Government Operations Subcommittee on Government Information, Justice and Agriculture (the Subcommittee). Since that time, we have continued to press for consideration of the bill by the Subcommittee within a timeframe which will allow for enactment of the legislation yet this session.

2. Recently representatives from the Office of Legislative Liaison (OLL) met with the majority counsel, Robert Gellman, and the minority counsel, Tom Parisi, of the Subcommittee and Mike O'Neill, Bernie Raimo, Steve Berry and David Addington of the House Permanent Select Committee on Intelligence (HPSCI) to discuss the future of H.R. 5164. Mr. Gellman reported that Subcommittee Chairman English still has concerns in the area of oversight of CIA filing practices. In order to alleviate these concerns, Mr. Gellman made three proposals:

(1) Amend the bill to require for two years a semi-annual public report (a total of four such reports) giving various statistics on the status of our processing of FOIA requests;

(2) Allow Representative English to conduct a personal on-site investigation of CIA processing and compliance post-enactment; and

(3) Provide for an exchange of letters to take place between Subcommittee Chairman English and HPSCI Chairman Boland concerning HPSCI oversight of CIA filing practices and implementation of this legislation.

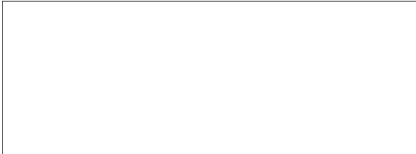
3. As a result of this meeting, the HPSCI staff and the Subcommittee staff have agreed upon the exchange of the attached draft letters. Furthermore, the language underscored in the attached draft bill constitutes the proposed Subcommittee amendments to H.R. 5164.

4. At this point, we anticipate the Subcommittee will hold a mark-up of the bill the week of 23 July, with consideration and reporting out by the full Government Operations Committee the following week. The bill is expected to be placed on the suspension calendar, a procedure which allows for expedited passage of legislation that has support from both sides of the aisle. We are cautiously optimistic that the bill could be passed by the full House prior to their adjournment on 10 August.

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5. Other encouraging news came to the Deputy Director, OLL, [ ] last week. During a telephone conversation with Representative Mazzoli (congratulating him on House passage of the immigration legislation), Representative Mazzoli queried [ ] concerning the status of the FOIA legislation. After [ ] briefed him as to where it stood, Representative Mazzoli stated his commitment to give the bill his full and active support and expressed his intention to place a call to both Chairman Boland and Subcommittee Chairman English. We do not know whether these calls have actually yet taken place.

6. Congress is now in recess until 23 July. We will let you know as soon as a date has been announced by the Subcommittee.

7. Also attached for your information is a copy of the hearing transcript from the 8 February HPSCI hearing. We also have a limited number of HPSCI reports on the bill. Let us know if you would like a copy.

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Attachments

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